



Legislative Briefing

Endangered Person Advisory

AG Launches New Tool to Find Missing People

There is now a clear-cut plan to find missing Utahns who do not fit the AMBER Alert criteria. The Endangered Person Advisory was recently launched by the Attorney General's Office in order to help law enforcement search for people such as a 19-year old kidnapping victim, a 75-year-old Alzheimer's patient or a 14-year old missing girl with suspicious computer correspondence.

"We certainly could have used something like this," says Jody Hawkins, mother of Brennan Hawkins, an 11-year-old who was lost for four days in the High Uintahs without food or water. "The Endangered Person Advisory will be a real blessing for other parents searching for their children."

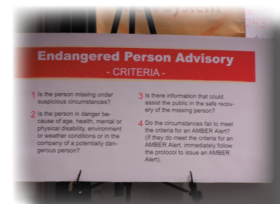
The AMBER Alert has been an effective tool for bringing abducted children home, and with the addition of the Endangered Person Advisory, police officers now have a simple plan to find others who may be in danger.

Also, individuals with mental or physical disabilities will now qualify under the

Endangered Person Advisory instead of the AMBER Alert Plan. This brings Utah's AMBER Alert in line with national standards.

The Endangered Person Advisory, developed by the Attorney General's Office, law enforcement and broadcasters in Utah, will quickly inform thousands of people that someone may be in jeopardy. The Utah Bureau of Criminal Identification will distribute the advisory to law enforcement, media, businesses and ports of entry. Law enforcement can also send the advisory by telephone to residents living in the area where the person was last seen. Information will also go to the National Crime Information Center and the National Center for Missing and Exploited Children if the missing person is under the age of 18.

The Endangered Person Advisory was launched the same day as the fifth test of the Utah AMBER Alert Plan. The tests are held each year on May 25, Missing Children's Day, and September 19, the anniversary of the day kidnap victim Rachael Runyan was found.



Endangered Person Advisory Criteria

1. Is the person missing under suspicious circumstances?
2. Is the person in danger because of age, health, mental or physical disability, environment or weather conditions or in the company of a potentially dangerous person?
3. Is there information that could assist the public in the safe recovery of the missing person?
4. Do the circumstances fail to meet the criteria for an AMBER Alert? (If they do meet the criteria for an AMBER Alert, immediately follow the protocol to issue an AMBER Alert).

AMBER Alert Criteria

1. Is this believed to be a child abduction?
2. Is this child 17 years of age or younger or an individual with a proven mental or physical disability?
3. Is the victim believed to be facing imminent danger, serious bodily injury or death?
4. Is there information that could assist the public in the safe recovery of the victim or apprehension of a suspect?

Fighting For Public Roads

Public access, public input and federal law are at the heart of a lawsuit filed by the State of Utah and Juab County. The lawsuit asks the courts to recognize state and local rights under R.S. 2477 and reopen three roads that were closed by the Bureau of Land Management after over 100 years of public use.

"Congress set up the parameters for what can be considered a public road and these roads meet those criteria in every way. These roads were closed without public input and contrary to law," says Assistant Attorney General Edward Gilvie.

Assistant Attorneys General Roger Fairbanks and Jaysen Oldroyd will also represent Utah in the lawsuit. Photos of the roads can be seen at <http://attorneygeneral.utah.gov/PrRel/praugust25.htm>.

Drug Maker Pays \$15 Million

Utahns can now apply for nearly \$15 million in grant money as part of a settlement with Warner-Lambert Company over deceptive "off-label" marketing of the drug Neurontin. Apparently, the drug maker illegally promoted Neurontin for uses not listed on the product label, landing them in a \$430 million federal and state settlement. The designated grant money will be used for a two-phased national educational campaign.

Phase 1: An educational campaign to help consumers and physicians find accurate and unbiased information about drugs.

Phase 2: A public awareness campaign about conditions for which Neurontin has been prescribed, specifically seizure disorders and psychological conditions.

Government agencies, academic institutions and non-profit organizations in Utah must be approved by the Attorney General's Office to apply for the money. The grants are the first part of a multi-phase funding strategy developed by a Special Committee of State Attorneys General. Requests for applications for phase one can be found at www.publichealthtrust.org and www.naag.org and need to be submitted by October 6, 2005.

Utah Lake Shoreline Determined

We are now closer to knowing where Utah Lake begins and ends. A federal judge has sided with the Utah Attorney General's Office by ruling against a private landowner in the Powell Slough area who was seeking to extend land claims to the water's edge. The ruling means the federal government owns the land below the private property owner and is the only party the state must work with to establish shoreline boundaries.

"The public is the real winner here. The ruling and other recent settlements will protect public ownership over the lake. The state will also be able to better protect this environmentally sensitive area," says Assistant Attorney General Michael Johnson.

Collections

-- Over 400 Utah consumers received a total of \$126,907 in refund payments based on overcharges by the drug manufacturer Cardizem.

-- Blockbuster paid the state \$12,508 in settlement fines for consumer fraud relating to its advertised program of "no late fees."

-- A national securities broker-dealer and insurance agency, paid \$35,116 in fines to Utah and will pay \$141,340 in restitution to over 100 Utah customers. The company was accused of pushing customers to exchange their existing annuities for new annuities with fewer advantages, large surrender charges and new holding periods of 8 years. Meanwhile, employees made huge commissions from the transactions.

-- The Attorney General's Office will collect a total of \$10,000 after an anti-trust lawsuit alleging price fixing in Utah's landscape curb industry. The office received an injunction forcing changes in industry practices and prohibiting future violations.

-- The Medicaid Fraud office received \$21,734 and Utah State Hospital received \$4,770 as restitution for overcharges on drug database information. Apparently, two competing companies merged and then raised their prices to state agencies.

The Attorney General's Office represents the State in thousands of cases each year. If you need information on any matter being handled by our office, please contact Dave Johnson at 538-1357 or davidjohnson3@utah.gov.